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Chairman: Mr. Baja ..... (Philippines)

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The meeting was called to order at 10 a.m.

Agenda item 158: International convention against the reproductive cloning of human beings (*continued*) (A/58/73; A/C.6/58/L.2, 8 and 9)

1. **Mr. Balestra** (San Marino) said that the debate on cloning had legal, ethical, moral, medical, religious and political implications. The Universal Declaration of Human Rights and the Charter of the United Nations were unmistakably dedicated to the protection of human life and dignity. That was why his delegation, which firmly believed that a complete ban on all forms of human cloning must be achieved, was one of the 56 sponsors of draft resolution A/C.6/58/L.2. Cloning a human embryo, while planning its demise, would institutionalize the deliberate destruction of nascent human life in the name of potential therapy or scientific discovery. Moreover, unless the ban was comprehensive, cloning would be impossible to control. A partial ban would facilitate the illegal proliferation of laboratories for reproductive cloning. In any case, animal cloning had shown the low effectiveness of the techniques used and the considerable risk of malformation. Lastly, his delegation could not accept research that violated human dignity, especially when the same experiments could be carried out with adult stem cells. Despite the many diverse views expressed by Member States, his delegation remained confident that consensus — which was an essential element in ensuring full respect for the Committee's decisions — could be achieved.

2. **Mr. Rodríguez** (Cuba) said that the reproductive cloning of human beings was ethically unacceptable and contrary to the values and ideals of Cuban society, based as they were on solidarity and respect for human dignity. Biotechnology should be used for the benefit of health and other legitimate human needs, and for sustainable development. Moreover, mankind could not yet control the cloning process; cloned animals had been born with severe deformities. It would therefore be totally unscrupulous and unethical to subject humans to such a process. Even when the technique became more precise, reproductive cloning would remain an irresponsible form of behaviour.

3. While there was full agreement within the Working Group concerning reproductive cloning, views varied about therapeutic cloning. In his delegation's view, States should exercise tight control over all forms of research into human cloning, but that should not mean a complete ban on such research, which had considerable potential to resolve the question of organ transplants or the replacement of brain cells in the case of such degenerative diseases as Alzheimer's. His delegation had therefore decided to become a sponsor of draft resolution A/C.6/58/L.8, which recognized the need for a ban on reproductive cloning, together with stricter controls on other forms of human cloning.

4. **Mr. Barriga** (Liechtenstein) said that the deadlock in the Committee on the item was regrettable. The questions raised by the item were far from being purely legal, and given the variety of opinions, his delegation believed that both the protection of human life and the consensus tradition of the Committee would be best upheld by the reconvening of the Ad Hoc Committee on an International Convention against the Reproductive Cloning of Human Beings. The Committee should be given a mandate broad enough to achieve consensus and should describe, in general terms, the areas where substantial controversy persisted. Whereas, after two years of discussion, the presentation of national positions had been exhausted, the same could not be said of the exploration of new ways to bridge the gaps between them. The Ad Hoc Committee could provide a forum for such an exploration. It would be regrettable if delegations were forced to answer such substantive questions with a simple "For", "Against" or "Abstaining".

5. **Ms. Woodeson** (United Kingdom) said that her delegation, although totally opposed to reproductive cloning, which was a repugnant abuse of science, viewed therapeutic cloning in a different light, in that it involved the creation of an embryo through cell nuclear replacement for the purpose of research into serious disease. Once that embryo had developed from a single cell to the blastocyst stage — a microscopic collection of around 100 cells — the inner mass of stem cells was retrieved. Such stem cells offered enormous potential for developing new treatments for degenerative diseases that were currently incurable.

6. Some opponents of therapeutic cloning argued that adult stem cells would be just as effective. That view was not, however, supported by the international scientific community. A joint statement by 63 science academies from around the world — including the United States National Academy of Sciences — had called for a ban on reproductive but not therapeutic cloning on the grounds that stem cells occurred at all

ages, but their versatility and abundance gradually decreased with age. Whereas embryonic stem cells could produce any of the 200 specialized cells that made up the human body, adult bodies could produce only one or a limited number. Some had argued that adult stem cells had proved to be sufficiently versatile, so that there was no need for very early human embryos, but the scientific evidence did not support that view.

7. It was too early to say exactly which type of stem cell research would deliver the maximum benefits. Her delegation therefore believed that all types of research should be encouraged; indeed, it would be indefensible to stop the research and deny millions of people the chance of new treatment. It was true that therapeutic cloning and the retrieval of stem cells involved the destruction of the embryo. The same, however, was true of in vitro fertilization and such forms of birth control as the intra-uterine contraceptive device. It was morally and intellectually inconsistent to reject therapeutic cloning whilst allowing in vitro fertilization and abortion.

8. Nevertheless, the decision to permit therapeutic cloning was not one that any country could take lightly. The issue of embryo research had been debated in the United Kingdom by the public and by Parliament for over 20 years. United Kingdom legislation embodied one of the strictest and most comprehensive systems of regulation in the world: all embryo research in both the public and the private sector was subject to a case-by-case review and was licensed only for limited purposes. No research was allowed on embryos over 14 days old. In 2001, Members of Parliament had, after several days' debate, decided by three to one, on a free vote, that reproductive cloning should be banned and therapeutic cloning permitted to proceed.

9. Her delegation fully understood and respected the cultural, religious and social differences that might lead other countries to reach different conclusions on what type of research might be appropriate in their own national setting. It had no wish to impose its view on other countries. However, since many members of the Working Group supported the principle of allowing therapeutic cloning in countries with a rigorous and effective system of regulation, it would be totally unjustifiable to impose a ban on therapeutic cloning in countries which had reached a national consensus in favour of such research, which had nationally agreed regulatory systems and which were working to deliver new treatments for serious disease. Her delegation could therefore never be a party to any convention which aimed to introduce a global ban on therapeutic cloning. It would, however, be ready to work for a worldwide ban on reproductive cloning and was therefore pleased to sponsor draft resolution A/C.6/58/L.8, which offered an effective compromise between different ethical positions.

10. **Mr. Lauber** (Switzerland) said that coordinated and comprehensive action should be taken as a matter of urgency to ban completely — and, if possible, immediately — reproductive cloning, which was forbidden under the Swiss Constitution. It was regrettable that the consensus in the Working Group had not led to the completion of the work on a draft convention. Meanwhile, his delegation supported draft resolution A/C.6/58/L.8, which was a compromise text taking account of the concerns of a number of delegations. In the long term, however, a convention on such an important and delicate topic must be universal. A mandate based on a divided vote would be counterproductive.

11. **Mr. Acosta Bonilla** (Honduras) said that the cloning of human beings, for whatever purpose, affected all societies. No country could abnegate the responsibility of expressing its point of view in the light of its national legislation, its religious faith and its deepest moral convictions. Honduras currently had no legislation specifically concerned with such cloning. In sponsoring draft resolution A/C.6/58/L.2, however, it fully endorsed the statement by the Holy See that to ban reproductive but not therapeutic cloning would make it possible to produce human life for the purpose of using and destroying it for scientific research. The future of humanity was at stake. The debate showed that the international community was not yet prepared to take a decision of such magnitude. According to the United Nations Educational, Scientific and Cultural Organization (UNESCO), only 54 countries had introduced specific legislation on the topic, which showed that any decision would be premature. The adoption of a total ban was therefore the only possible course.

12. **Mr. Ortúzar** (Chile) said that the offence to human dignity did not arise from the concept of cloning in itself, nor from the fact that the genes of two individuals were identical, since there was no diminution of such dignity in twins whose genes were identical, but rather in the use to which cloned human

beings could be put. Human dignity was infringed when one human being was forced to assume the same genetic identity as another or a human life was created in order to be destroyed. In other words, the distinction between reproductive and therapeutic cloning was artificial, although the second was a deviation from the possible development of the first. It was therefore neither scientifically nor philosophically acceptable to draw any such distinction. The international community should adopt a comprehensive convention banning the cloning of human beings and establishing effective mechanisms to punish those who assumed the right to preordain the fate of another human being. The ethical factor could not be negated by other considerations, such as freedom of research, which could easily be satisfied using other techniques and producing less questionable results than those involved in destroying an embryo or tissue. For that reason his delegation was a sponsor of draft resolution A/C.6/58/L.2. The other draft resolution — A/C.6/58/L.8 — retained the artificial distinction between the two types of cloning and placed the onus on individual States, thereby missing the opportunity to establish an international standard.

13. **Mr. Mwandembwa** (United Republic of Tanzania) said that the Committee should reflect on the debate in the Working Group and proceed cautiously on what was a highly controversial and divisive subject. For its part, his delegation favoured a convention imposing a comprehensive ban on both reproductive and therapeutic cloning of human beings. Since the technology involved was the same, a ban on reproductive cloning would send the wrong signal by implicitly authorizing the creation and destruction of human embryos for experimentation. A legal uncertainty would be created. To try to distinguish between the two kinds of cloning was merely an attempt to hide the fact that a human life was being created for the purpose of destroying it so as to produce embryonic stem cells or carry out other experiments. His delegation subscribed to the view that the dignity of human life did not allow the testing of human embryos, regardless of the objectives. Moreover, the cloning of animals had always resulted in grave abnormalities.

14. Apart from the strong ethical arguments against cloning, developing countries had other, equally strong reasons for preferring a total ban: the substantial resources that were expended on cloning should in fact be diverted to the real crises facing such countries. Sub-Saharan Africa was, for example, currently facing the HIV/AIDS pandemic. Malaria and tuberculosis were becoming increasingly resistant to existing drugs. Moreover, taking into consideration the equipment involved, most developing countries would not be able to participate in the technological aspect of the work. Their only participation would be that their women would be reduced to being suppliers of embryos to developed countries under exploitative conditions. After the embryos had been extracted, such women would be abandoned without any care or follow-up.

15. Human dignity was the source of all rights, as recognized in various human rights instruments. That dignity must also be recognized in the case of cloning. A comprehensive ban on human cloning would have a deterrent effect on individuals and States wishing to pursue research involving the cloning of human beings.

16. **Mr. Borghini** (Monaco) said that, although Monaco did not have specific legislation dealing with cloning, the Monaco Committee on Ethics in Biomedical Research had, in July 2003, recommended a total ban on all forms of human cloning. The Government had adopted that position, although it recognized that States that had the necessary capacity imposed strict controls on cloning research. His delegation would therefore favour a convention imposing a total ban, which would have the merit of protecting countries lacking specific legislation. However, in view of the urgency of the topic, Monaco would support a draft resolution that would permit a consensus. He hoped that the General Assembly would be able to give the Ad Hoc Committee a precise mandate.

17. **Mr. Medrek** (Morocco) said that reproductive cloning constituted an unprecedented violation of human dignity and could not be countenanced in any way. The international community should act as a matter of urgency to put in place adequate legislation to ban any tendency to overturn fundamental family values. Although there seemed to be general agreement that reproductive cloning was a new and worrying aspect of biotechnology, there was a divergence of views on how to proceed. He therefore appealed to delegations to move beyond their differences and hasten to negotiate a text. Haste was necessary because the road was clear for laboratories that had already embarked on research into human cloning. Any convention must, however, be binding and should

penalize any research into cloning. The text should also be adopted by consensus; the international community should be able to speak unanimously where universal values were concerned. Such a consensus would send a powerful message to those who sought to profit from the current legal void. Meanwhile, his delegation would be in favour of convening the Ad Hoc Committee once again in 2004.

18. **Mr. Grey-Johnson** (Gambia) said that the Committee should be of one mind as to the need for a comprehensive international convention. The debate raised basic ethical questions, and his delegation was not prepared to abdicate responsibility or to alter the position it had stated the year before. The Committee should avoid decisions that might negatively impact the future of humanity, leave the door open to reckless experimentation with human life and turn human eggs and embryos into a commodity. Any cloning activity, whether reproductive or therapeutic, that might threaten the dignity and the very existence of man should be firmly resisted. No one stood to lose if the Committee took the time to adopt a comprehensive international convention that established all the requisite safeguards against abuse. His delegation therefore urged the adoption of draft resolution A/C.6/58/L.2 on an international convention against human cloning.

19. **Mr. Mahbubani** (Singapore) said that the issue under discussion differed radically from the routine. The Committee was entering uncharted territory and faced an awesome responsibility. It would require all the intelligence and imagination the Committee could muster to reach a common understanding. However, it was possible to identify consensus on several points. All delegations, without exception, shared the view that human life was sacred, and that a sharp line of demarcation must be drawn between experimentation with animals and experimentation with human life. Second, it was unanimously agreed that reproductive cloning was wrong and should be banned, in order to prevent maverick scientists from taking advantage of the gap in international law. There was also a shared perception that the issue at hand was ethical, not political. The Committee members should try to ensure that they were judging the issue on its merits and were not influenced by bilateral political alliances. He would urge delegations to set aside all political considerations and focus on the ethical dimension of the issue. There was also fundamental agreement on the principle of respect for the wide cultural and religious diversity of mankind. The challenge before the Committee was to reflect all views and not to attempt to force a solution reflecting one view only.

20. While all agreed that human life was sacred, there was sharp disagreement as to when human life could be said to begin. Some would set the date at conception, others at 40 days after conception, and yet others would identify it even in the potential of the tiniest cells. There was also a divergence of views as to the value or the rights and wrongs of therapeutic cloning. Part of the confusion derived from the use of the word "embryo". Some delegations drew a distinction between an embryo and a human life, while others thought that an embryo inevitably implied a human life. There was room for debate, but it appeared that differing views would persist, and no one point of view should be imposed on all others. In theory, the Committee could reach a decision by voting, but nothing less than a consensus would ultimately be satisfactory.

21. He was pleased that Costa Rica, in introducing its draft resolution on human cloning, had quoted an eminent scientist, because his delegation, too, thought that the views of the responsible scientists of the world should be heeded. At a meeting of the Working Group, his delegation had presented a statement on human cloning by the InterAcademy Panel on International Issues (IAP), which represented more than 60 science academies in nations on every continent, demonstrating a wide-ranging consensus in the scientific community that reproductive cloning should be banned but therapeutic cloning should be allowed to continue. If such a large group of scientists, who had to deal with the ethical issues of therapeutic cloning on a day-to-day basis, could reach collective agreement, it was worthwhile listening to their views.

22. **The Chairman** said that he had offered to meet with the sponsors of the different draft resolutions to try to promote a compromise.

23. **Ms. Geddis** (New Zealand) said that her delegation supported scientific progress in the fields of biotechnology and genetics in a manner respectful of human rights and for the benefit of all. New Zealand shared international concerns about the human rights implications of human cloning and recognized that clear regulation was needed. The New Zealand Parliament was currently considering legislation on a

comprehensive framework for the regulation of human reproductive technologies, including a prohibition against the reproductive cloning of human individuals as ethically unacceptable and contrary to human dignity. Her delegation therefore welcomed progress on initiating international negotiations to ban human reproductive cloning. It had not yet, however, had the opportunity to conclude consideration of cloning for therapeutic and research purposes, which might have the potential to alleviate human suffering, and could not support the commencement of negotiations on a broader ban on all forms of cloning. Any international negotiations on a convention to address human cloning must be supported by the widest possible consensus, as the outcome would have value only if it were universally accepted. Such a consensus would only be possible if the international community adopted a graduated approach. Her delegation welcomed the Chairman's proposal to meet with the sponsors of the draft resolutions.

24. **Mr. Makarewicz** (Poland) said that his delegation wished to thank France and Germany for their timely initiative on the issue of human cloning, which was already raising ethical and moral as well as legal and medical challenges. After careful consideration, Poland had decided to support a ban on the cloning of human embryos for any purpose, believing that from a moral standpoint the difference between reproductive cloning and therapeutic or research cloning consisted only in the objective of the procedure. To ban reproductive cloning only, without prohibiting research cloning, would be to allow the production of individual human lives with the intention of destroying them for the sake of scientific research. The two types of cloning were inextricably linked, and only a complete ban would achieve the generally supported goal of prohibiting human reproductive cloning. At the 21st Century Talks organized by UNESCO, the Director-General of UNESCO had raised the question of the legitimacy of creating embryos whose development would be cut short and the risk, particularly in the case of poorer women, that the female body would be turned into a commodity to produce the countless eggs required for the procedure.

25. The demise of Dolly the sheep, the first mammal to be cloned, had provided some respite, even as it raised questions about the effects of cloning on cloned organisms. The Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Convention on Human Rights and Biomedicine), in article 28, stated that fundamental questions raised by developments in biology and medicine should be the subject of public discussion. The Committee had the opportunity to discuss human cloning before being faced with an accomplished fact. It must not waste that opportunity. The lack of consensus in the Working Group should not prevent the Committee from deciding to convene the Ad Hoc Committee twice in 2004 to discuss further the issue of human cloning. In addition, the General Assembly should call on States that had not yet done so, pending the adoption and entry into force of an appropriate binding international instrument, to adopt at the national level a prohibition against all forms of human cloning or to ban reproductive cloning and impose a moratorium on other types of cloning.

26. **Mr. Albacete** (Spain) said that, although the recommendations of the Working Group were the same as the year before, the Committee should not yield to the temptation to defer a decision once again. That solution could not be repeated indefinitely and would undermine the credibility of the United Nations. Moreover, the need to regulate cloning at the global level had become imperative in order to prevent the cloning of human beings.

27. Nonetheless, a sense of urgency should not lead the Committee to adopt a hasty and unduly vague mandate. The Ad Hoc Committee would require a clear and unequivocal framework for its efforts to elaborate a draft convention. His delegation was pleased to note that the rigorous position it had maintained from the outset, which was embodied in draft resolution A/C.6/58/L.2, had attracted nearly 60 sponsors, and a considerable number of non-sponsoring States had indicated that they were prepared to support it. His delegation called upon all States whose national laws prohibited human cloning in any form to continue to work towards a convention that would constitute a mandatory frame of reference for the entire international community.

28. **Mr. Póvoas** (Portugal) said that his delegation reiterated its support for draft resolution A/C.6/58/L.2. Human embryos deserved protection as human beings on both ethical and scientific bases. The Council of Europe Convention on Human Rights and Biomedicine, in article 18, paragraph 2, stated that the creation of embryos for research purposes was

prohibited. The mutual tolerance that society required with respect to different philosophical and moral approaches no longer applied when human rights and dignity, especially the right to life, were involved. And under no circumstances could his delegation countenance risking the dignity of women and those from developing countries would be at the greatest risk — by treating them as mere resources for scientific research. Only by banning all forms of cloning, including therapeutic cloning, could those risks be prevented.

29. **Mr. Stanislaus** (Grenada) said that his delegation subscribed to the advancement of science to benefit mankind, but believed that technology should not be allowed to outdistance humanity. The rationale for so-called therapeutic or experimental cloning was to destroy life, a human embryo created in vitro for the purposes of harvesting stem cells, in order to save life. The human embryo was the beginning of life; to destroy it intentionally was an affront to human dignity. The difference between therapeutic cloning and reproductive cloning of human beings lay essentially in the objective of the procedure. Therefore, his delegation was in favour of elaborating a comprehensive international convention banning human embryonic cloning for both reproductive and therapeutic purposes. Instead, it advocated the less problematic use of adult stem cells from blood and brain tissue, human placentas and foetuses from spontaneous abortion and stillbirths.

30. **Mr. Mongkolnavin** (Thailand) said that while he respected the views expressed by all delegations, he also took note of the fact that millions of victims of serious diseases could benefit from therapeutic cloning experiments. He therefore supported the statement made by the representative of Belgium on the previous day. Thailand supported a ban on reproductive cloning of human beings and had prohibited its researchers from engaging in that activity, while the Thai National Center for Genetic Engineering and Biotechnology had issued guidelines for research in the field of therapeutic cloning. He encouraged all delegations to resolve their differences so that a universally applicable convention banning the cloning of human beings could be drafted.

31. **Ms. Miller** (Sweden) said that the outcome of the Working Group's deliberations and of continuing discussions in the Committee had been a disappointment to most delegations; differing backgrounds, values and beliefs and the complexity of the science involved had made it impossible to reach common ground on the issue of cloning. A negotiating mandate should reflect the diversities of the modern world. Negotiating on a mandate that lacked consensus would exclude the very States which had a scientific knowledge of cloning techniques; it could never produce universally binding norms.

32. Sweden was reviewing its legislation on the issue under discussion. A parliamentary committee had proposed an unequivocal ban on reproductive cloning and strict regulation of therapeutic cloning, including a requirement of prior approval from an ethics committee. As a sponsor of draft resolution A/C.6/58/L.8, her delegation believed that it would provide a common platform for future negotiations. She urged delegations to uphold the Committee's tradition of consensus in order to guarantee a mandate that could lead to a universal convention prohibiting the reproductive cloning of human beings and regulating therapeutic cloning.

33. **Mr. Kobayashi** (Japan) said that his delegation had co-sponsored draft resolution A/C.6/58/L.8 in the belief that, because it allowed for choice, it could establish a broad base on which a convention with universal adherence could be negotiated. The Committee should continue to explore ways of reaching consensus through flexibility and a cooperative spirit; no premature action should be taken on the issue.

34. **Mr. Ascencio** (Mexico) said that the combination of highly sophisticated science and ethical, legal and sociological considerations made it difficult to understand the implications of cloning or to address the issue without oversimplification. Limitations on scientific research should be imposed only where human rights and dignity were at stake, as in the current case. The United Nations was the only organization competent to give comprehensive consideration to the question of an international convention against the reproductive cloning of human beings; moreover, civil society expected the Organization to achieve results which would address its concerns. His delegation did not consider it appropriate to return the topic to UNESCO.

35. The inclusion of item 158 in the agenda of the General Assembly had promoted dialogue between different branches of his Government, scientists, academics and civil society and provoked calls for

Mexico to become a party to the European Convention on Human Rights and Biomedicine and its Additional Protocol on the Prohibition of Cloning of Human Beings. Mexico opposed any form of human cloning as a violation of human dignity.

36. He regretted that the Working Group's meetings had revealed a lack of political will and the absence of a genuine wish to find compromise language. The building of consensus was a delicate task which required time; it could not be achieved by asking one side of the debate to renounce its convictions, particularly when some States had already adopted national legislation on the issue. Nothing could be gained by seeking to negotiate a convention without prior agreement on its scope, yet continued confrontation would only create a legal vacuum with serious human rights implications. His delegation was open to any proposal that would lead to consensus.

37. **Mr. Marschik** (Austria) said that Austrian legislation prohibited all forms of human cloning. His Government therefore supported efforts to achieve a worldwide comprehensive ban on the cloning of human beings, either by immediately negotiating such a ban or by negotiating first a ban on reproductive cloning and then, at a later date, a total ban; his delegation would support whichever approach seemed likely to achieve the most rapid results, bearing in mind that in order to succeed, an international convention must be signed, ratified and implemented by as many States as possible and that the Committee had been most successful with mandates adopted by consensus.

38. **Mr. Guan** Jian (China) said that the Working Group had helped delegations understand both the relevant issues and each others' positions. Consensus was a prerequisite for the adoption of an international legal instrument. On the issue of banning human reproductive cloning, such a consensus appeared to exist and should be communicated to the international community in order to prevent the commission of such an act. However, the remaining differences of opinion on the issue of therapeutic cloning could not be ignored; he hoped that States would soon find common ground. As a sponsor of draft resolution A/C.6/58/L.8, he endorsed the statement made by the representative of Belgium on the previous day and urged all delegations to ban reproductive cloning on the basis of the ideas expressed in the revised Franco-German non-paper submitted to the Working Group.

39. **Mr. Guterres** (Timor-Leste) said that his delegation was deeply concerned at recent developments in biotechnology and the cloning of human beings; it endorsed draft resolution A/C.6/58/L.2 and believed that the cloning of human beings for either reproductive or experimental purposes was unethical, immoral and unjustifiable under any circumstances. In order to preserve the balance between science and human dignity, the international community must use any legal means at its disposal to prohibit all forms of human cloning. He hoped that the Committee's deliberations would result in the drafting of an international convention against the reproductive cloning of human beings, as envisaged in General Assembly resolution 56/93.

40. **Mr. Oegroseno** (Indonesia) said that his Government had taken its position on the issue after an intensive exchange of views involving representatives of Indonesia's Ministry of Religious Affairs, Ministry of Health, religious leaders, academics, Association of Medical Doctors, Academy of Sciences and National Commission of Human Rights and of civil society. It would be irresponsible for the international community not to address, as a matter of urgency, the lack of an internationally binding instrument banning the reproductive cloning of human beings at a time when irresponsible scientists were undertaking such experiments; however, it would also be unwise for delegations to impose their own beliefs on others or to fail to respect the principles and beliefs that were the basis for differing positions. His delegation recognized the potential of therapeutic cloning research to cure disease and improve human life, but believed that such research should be strictly regulated. He encouraged the various parties to cooperate in the search for consensus on a sensitive issue.

41. **Ms. Willson** (United States of America) said that her delegation's views were well known: the United States of America supported a ban on all human cloning, whatever the purpose. That position was based not only on ethical and moral principles, but also on pragmatism: there were other ways to achieve the ends sought, including animal and adult stem cell research.

42. It had been argued that a consensus negotiating mandate and a universally ratified convention were essential and that insistence on a total ban would prevent progress on any limited ban. However, draft resolution A/C.6/58/L.2 had 57 sponsors; many other States had domestic legislation compatible with a total

ban while still others had a well developed cultural and religious concern for the sanctity of human life and human dignity. The sum of those nations represented, not consensus, but a significant majority of Member States; it would send a strong message if such a group commenced work on a convention which completely banned human cloning. Moreover, while it was true that the Committee had a tradition of consensus, a total of 43 draft resolutions had been adopted by vote during the years in which she had been a member.

43. As for the issue of universal ratification, the international community should not fail to move forward because a few States wanted to reap profit from the biotechnology industry and to protect their commercial interests in developing and marketing the products of cloned embryos, nor should the few States which would not ratify a total ban paralyse the many which would support one. She therefore urged all delegations to become sponsors of draft resolution A/C.6/58/L.2.

44. **Mr. Lacanilao** (Philippines) said that his delegation supported draft resolution A/C.6/58/L.2; a comprehensive ban on human cloning was the only viable approach for the United Nations. The same technology was used to produce embryos for implantation in a woman's womb and for destruction during research. The desire — even if sincere — of some delegations to respect the differences of opinion through a compromise formula had led them into a conceptual trap; draft resolution A/C.6/58/L.8 would not, in fact, ban human cloning since the resulting embryos could still be used for research.

45. Allowing human cloning for research purposes would have the undesirable result of perfecting a technology that could also be used to produce cloned babies. Furthermore, it would only be a matter of time until millions of cloned human embryos were produced in laboratories; no amount of regulation would be able to prevent at least one of them from finding its way into a woman's womb. Motives could vary from criminal intent to financial reward or even the "rescue" of cloned embryos, but, the birth of even one cloned baby would be one too many. He therefore called on delegations not to sacrifice human dignity on the altar of biotechnology and to embrace the approach which upheld the primacy of human dignity, embodied in draft resolution A/C.6/58/L.2.

46. **Mr. Jacovides** (Cyprus) said that Cyprus had enacted legislation implementing the Additional Protocol to the European Convention on Human Rights and Biomedicine on the Prohibition of Cloning of Human Beings and that his delegation fully supported the elaboration of an international convention which would ban the reproductive cloning of human beings, thereby confirming the universal view that such cloning was both unethical and illegal.

47. He thanked the German and French delegations for proposing the inclusion of the current item in the agenda of the General Assembly and for the ideas contained in the non-paper that they had submitted to the Working Group, and he saw much merit in the realistic approach taken by the Belgian delegation in its introduction of draft resolution A/C.6/58/L.8. At the same time, he understood the concerns of the many sponsors of draft resolution A/C.6/58/L.2 and the impressive scientific data provided by the delegation of Costa Rica. On balance, however, he believed that additional scientific research could be of assistance in improving medical knowledge and giving a better understanding of the scientific and ethical issues involved. Moreover, he was convinced that a mandate for a convention which aimed at universality could only be based on consensus; the issue did not lend itself to decision by majority, especially in the light of the Committee's tradition of compromise and consensus.

48. **Mr. Much** (Germany), speaking also on behalf of France, said that the introduction of two competing draft resolutions reflected, in the most regrettable manner, the lack of consensus which had invaded the issue of cloning of human beings during the past year and a half. Two years previously, when France and Germany had proposed the inclusion of the item in the agenda of the General Assembly, countries which were currently sponsoring one or the other of the draft resolutions had promoted a consensual approach.

49. All forms of cloning had been banned in Germany since 1990 and the French Parliament was discussing a bill which would prohibit cloning for both reproductive and research purposes and would define reproductive cloning as a crime against the human species, yet France and Germany had modified their initiative twice in an effort to accommodate other delegations and had argued for solutions that could achieve worldwide consensus rather than seeking to elevate their national laws to a universal standard.

They had not pushed for a vote in 2002, when they had had a clear majority, and they continued to support the reasonable compromise of launching negotiations on one convention which would address all forms of cloning.

50. Although the issue of cloning was extremely urgent, "consensus later" was still preferable to "vote now". Consensus was the only way to achieve a universal, binding instrument in an area which, by definition, aspired to universality. It was difficult to accept compromise in an area permeated by ethical considerations, but failure to compromise would only send a disturbing message to the scientific world: "Do as you please."

51. **Ms. Matekane** (Lesotho) said that her delegation, as a sponsor of draft resolution A/C.6/58/L.2, reaffirmed that a comprehensive and complete ban on human cloning was the right course to take. It was heartening to realize that that belief was shared by nations from various regions of the world, as shown by the long list of sponsors. Such broad support should help to dispel the impression that the approach taken in the draft resolution was aimed at suppressing and disrespecting the opposing views of others.

52. As repeatedly demonstrated by the authorities on the subject, it was not feasible to separate reproductive cloning from therapeutic cloning. The only difference between them concerned the fate of the embryo: in the former procedure, the embryo was allowed to develop and grow, while in the latter, it was destroyed. Aside from the troubling moral questions that the world would need to contend with, therapeutic cloning would, in the long run, provide an opening for clandestine reproductive cloning or the like.

53. At the start of the cloning research debate, there had been a broad consensus against the creation and use of human embryos for research. A few years later, however, an amazing shift in opinion had occurred and the same people were currently pressing the case for experimentation with human embryos. That illustrated the danger of the pressures of scientific development. There had long been scope for science to reduce human beings to mere specimens and currently there was an unprecedented opportunity to do so. There would always be pressure to make use of the opportunity, no matter what was at stake. The greatest challenge confronting the international community was to draw a line between the benefits of the biological sciences and the urge on the part on another group of people to maximize their newly discovered capabilities at the expense of other fellow human beings.

54. **Ms. Telalian** (Greece) said that the Belgian delegation had submitted draft resolution A/C.6/58/L.8 as a compromise solution that could lead the Committee out of its impasse on the issue of human cloning. Its basic aim was the elaboration of a single convention that would deal with both reproductive human cloning and other forms of human cloning. Such an approach reflected the wishes of many delegations.

55. The draft resolution sought a universal ban on human reproductive cloning. Such a ban had gained worldwide support and was currently embodied in the domestic legislation of most States. The draft regulated the issue of therapeutic cloning by requiring States either to ban it outright or to formulate strict guidelines for such activities. That demand was essential in order to protect the most cherished values of human dignity.

56. The draft resolution took into account the ethical and political dimensions of the international discourse on human cloning and tried to find common ground. Many international bodies had done the same and had succeeded in producing important legal documents on the issue.

57. The Council of Europe at the regional level and UNESCO at the international level had elaborated significant international instruments establishing a close link between human cloning and human rights. A basic characteristic of those documents was respect for the cultural, philosophical or religious differences that existed on the issue of human cloning and constructive ambiguity with regard to the interpretation of provisions relating to therapeutic cloning.

58. **Mr. Nesi** (Italy) said that, as there was no real scientific or technological difference between reproductive and therapeutic cloning, his delegation considered that all forms of human cloning should be banned. Every State was in favour of a ban on the reproductive cloning of human beings; hence, to adopt an international convention which banned only reproductive cloning would be to restate the obvious. What should be banned was the artificial creation of human embryos for purposes other than those for which human embryos were created by nature.

59. At the beginning of the session of the Working Group in February 2002, the scientists invited to the

meeting had been asked whether human embryos could be used for therapeutic purposes without destroying them. If it was true that recourse to the exploitation of human embryos was necessary because embryonic stem cells were less specialized than adult stem cells, it was unclear why scientists did not concentrate on other research topics such as umbilical stem cells, which, according to the scientific community, were very similar to embryonic stem cells. As a sponsor of draft resolution A/C.6/58/L.2, his delegation would vote in favour of it if a vote were taken; at the same time, his delegation expressed appreciation to the Chairman for his efforts to facilitate a solution acceptable to all delegations.

60. **Mr. Thiam** (Senegal) stressed the complexity of the issues raised by human cloning in a context in which scientific progress was closely linked to legitimate concerns for the preservation of human dignity. There could be no question of opposing progress and the medical benefits deriving therefrom. For that reason, his delegation was grateful to all delegations that had submitted draft resolutions on human reproductive cloning to the Committee, particularly to those delegations which held out the hope of leading the Committee out of its impasse. At the same time, it was necessary to ensure that, beyond reaching agreement on a single draft convention, the international community could avoid the disaster of an untold number of human beings being destroyed in the laboratory. Such a risk was not hypothetical: there was a real prospect that large numbers of women from the least advantaged sectors of every society would be recruited for cloning purposes which would lead to a new form of discrimination. His delegation therefore was in favour of using only cloning techniques which avoided the destruction of human embryos, namely, those designed to produce DNA molecules, organs, plants, tissues and cells other than human embryos.

61. **Mr. Bliss** (Australia) said that his delegation continued to support the elaboration of a convention against the reproductive cloning of human beings. Its guiding principle was Australia's legislative approach, as contained in the Prohibition of Human Cloning Act 2002. The Act banned within Australia the creation of a human embryo clone; in other words, it banned both human reproductive cloning and other forms of human cloning. However, the Act was subject to an independent review to begin in December 2004 which would include further consideration of non-reproductive human cloning.

62. His Government supported the urgent development of a convention to institute an international ban on human reproductive cloning. It was concerned that attempts to develop a convention to ban all forms of human cloning at once might in fact delay a ban on human reproductive cloning. His delegation would therefore support proposals for a convention which would ban human reproductive cloning as soon as possible while leaving some flexibility concerning other forms of human cloning. Draft resolution A/C.6/58/L.8 would achieve that goal. While his delegation would prefer an international consensus on the issue, should a vote be necessary, it had a preference for the Belgian proposal. However, his delegation urged all States to continue to work together to find a mutually acceptable solution.

63. **Mr. Kanu** (Sierra Leone) said that his delegation's support for draft resolution A/C.6/58/L.2 was unequivocal. The reproductive cloning of human beings was completely incompatible with the ethical and moral views of people in his country. There had been a public debate on the issue and the position taken was the one expressed in the draft resolution. His Government's respect for human dignity was unwavering. There was a possibility that the process of human cloning might be commercialized; if that were to occur, it would, of course, be women in developing countries who would be subject to commercial exploitation. Such a degradation of the position of women could not be tolerated. His delegation would vote in favour of draft resolution A/C.6/58/L.2 if no consensus could be reached.

64. It had been stated that human life was sacred; his delegation strongly believed that the destruction of human embryos could not be reconciled with that belief. All States agreed that human cloning was wrong. There were no guarantees that if the international community tolerated any form of human cloning, some capricious scientist would not use therapeutic techniques to clone human beings. The argument that human cloning should be allowed in order to save lives was therefore unsustainable. It had been asserted that therapeutic cloning did not involve the destruction of human life; however, therapeutic cloning required a cell, and in order to obtain a cell, it was necessary to destroy an embryo, which meant destroying human life. To state that the ethical and

religious position which his delegation held was the result of political pressure was an affront. Cultural and religious considerations in his country and many other countries required that all forms of human cloning should be proscribed.

65. Some had argued that it was the practice of the Committee to adopt decisions by consensus; however, that was merely a practice. His delegation also knew of instances in which decisions had been arrived at through voting. Nevertheless, his delegation endorsed the Chairman's last-ditch effort to facilitate a consensus.

66. **Archbishop Migliore** (Observer for the Holy See) reaffirmed his delegation's conviction that only a comprehensive convention on human cloning could address all the related issues and respond to the challenges of the twenty-first century relating to the topic. Situations that posed grave dangers to human dignity could only be effectively addressed by international agreements that were comprehensive, not partial. While a partial convention might address temporarily some issues related to human cloning, it could subsequently generate greater problems that would be even more difficult to solve. The most durable solution should therefore be an all-inclusive legal instrument. Such an instrument would provide a binding legal framework that could guide States in formulating appropriate domestic legislation on human cloning. His delegation noted with satisfaction that the number of sponsors of draft resolution A/C.6/58/L.2 had increased in the past two weeks.

67. A number of delegations had stated that the issue at hand was "complex". Pleas had also been made to avoid divisiveness, refrain from imposing a particular view, and strive for consensus on the item, as time was running short. The Committee had also been reminded that, in the matter of research cloning, it must be sensitive to diverse belief systems, religious perspectives, cultures and personal circumstances.

68. While the science might be complex, the issue was simple and straightforward. The issue of human cloning involved the beginning of human life. It was not a local issue, not a national issue, not a regional issue, but a universal issue. If the reproductive cloning of human beings contravened the law of nature — a principle on which all delegations appeared to agree — so did the cloning of human embryos for research purposes. A cloned embryo which was not destined for implantation into a womb but was created for the sole purpose of extracting of stem cells and other materials was destined for destruction.

69. Some would argue that while it was necessary to act quickly to ban human reproductive cloning, more time must be taken to study all aspects of research cloning — a procedure that intentionally destroyed human life. He wondered how many human lives would be taken in that process. Since the process was unnecessary and would require more than one embryo per patient, hundreds of millions of cloned human embryos would be required to treat even one disease, such as diabetes, in any developed nation.

70. Lastly, his delegation reminded the Committee that one of the fundamental missions of the United Nations was to uphold the rights of all human beings. If the United Nations were to ban reproductive cloning without banning cloning for research, it would for the first time be involved in legitimizing something extraordinary: the creation of human beings for the express purpose of destroying them. If human rights meant anything, then surely no one could have the right to do such a thing.

The meeting rose at 1 p.m.